UNITED NATIONS **A**

General Assembly

Distr.
GENERAL

A/RES/46/50
20 January 1992

Forty-sixth session
Agenda item 124

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Sixth Committee (A/46/684)]

46/50. United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law

The General Assembly,

Recalling paragraph 13 of its resolution 44/28 of 4 December 1989 and paragraph 1 of section IV of the annex to its resolution 45/40 of 28 November 1990,

Taking note with appreciation of the report of the Secretary-General on the implementation of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law 1/ and the guidelines and recommendations on future implementation of the Programme within the framework of the United Nations Decade of International Law, which were adopted by the Advisory Committee on the Programme and are contained in section III of that report,

Bearing in mind that the encouragement of the teaching, study, dissemination and wider appreciation of international law is one of the main objectives of the United Nations Decade of International Law, as declared in its resolution 44/23 of 17 November 1989 and further expanded in section IV of the programme for the activities for the first term (1990-1992) of the Decade, which is contained in the annex to resolution 45/40,

Considering that international law should occupy an appropriate place in the teaching of legal disciplines at all universities,

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1/ A/46/610 and Corr.1.

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Noting with appreciation the efforts made by States at the bilateral level to provide assistance in the teaching and study of international law,

Convinced, nevertheless, that States and international organizations and institutions should be encouraged to give further support to the Programme and increase their activities to promote the teaching, study, dissemination and wider appreciation of international law, in particular those activities which are of special benefit to persons from developing countries,

Reaffirming its resolutions 2464 (XXIII) of 20 December 1968, 2550 (XXIV) of 12 December 1969, 2838 (XXVI) of 18 December 1971, 3106 (XXVIII) of 12 December 1973, 3502 (XXX) of 15 December 1975, 32/146 of 16 December 1977, 36/108 of 10 December 1981 and 38/129 of 19 December 1983, in which it stated or recalled that in the conduct of the Programme it was desirable to use as far as possible the resources and facilities made available by Member States, international organizations and others, as well as its resolutions 34/144 of 17 December 1979, 40/66 of 11 December 1985, 42/148 of 7 December 1987 and 44/28 of 4 December 1989 in which it expressed or reaffirmed the hope that, in appointing lecturers for the seminars to be held within the framework of the fellowship programme in international law, sponsored jointly by the United Nations and the United Nations Institute for Training and Research, account would be taken of the need to secure representation of major legal systems and balance among various geographical regions,

1. Approves the guidelines and recommendations contained in section III of the report of the Secretary-General, 1/ and adopted by the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, in particular those designed to achieve the best possible results in the administration of the Programme within a policy of maximum financial restraint;

2. Authorizes the Secretary-General to carry out in 1992 and 1993 the activities specified in his report, including the provision of:

(a) A minimum of fifteen fellowships each in 1992 and 1993, at the request of Governments of developing countries;

(b) A minimum of one scholarship each in 1992 and 1993 under the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, subject to the availability of new voluntary contributions made specifically to the fellowship fund;

(c) Assistance in the form of a travel grant for one participant from each developing country, who will be invited to the regional courses to be organized in 1992 and 1993;

and to finance the above activities from provisions in the regular budget, when appropriate, as well as from voluntary financial contributions earmarked for each of the activities concerned, which would be received as a result of the requests set out in paragraphs 14, 15 and 16 below;

3. Expresses its appreciation to the Secretary-General for his constructive efforts to promote training and assistance in international law within the framework of the Programme in 1990 and 1991, in particular for the

organization of the twenty-sixth 2/ and twenty-seventh 3/ sessions of the International Law Seminar, held at Geneva from 5 to 22 June 1990 and 3 to 21 June 1991, respectively, and for the participation of the Office of Legal Affairs of the Secretariat and its Codification Division in the conduct of the fellowship programme in international law sponsored jointly by the United Nations and the United Nations Institute for Training and Research, as well as for the activities related to the award of the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea;

4. Requests the Secretary-General to consider the relative advantages of using available resources and voluntary contributions on regional, subregional or national courses as against courses organized within the United Nations system;

5. Welcomes, in particular, the joint efforts described in the report of the Secretary-General, and undertaken by the Codification Division of the Office of Legal Affairs and the secretariat of the Programme as well as by the International Court of Justice to publish in a single volume in all official languages of the Organization, and within the existing overall level of appropriations, the summaries of the Judgments and advisory opinions of the Court (1949-1990) as provided by the Registry of the Court, and to update this publication in subsequent years;

6. Invites interested States to consider the option of financing the translation and publication of the Judgments of the Court;

7. Welcomes the efforts undertaken by the Office of Legal Affairs of the Secretariat to bring up to date the United Nations Treaty Series and the United Nations Juridical Yearbook;

8. Expresses its appreciation to the United Nations Institute for Training and Research for its participation in the Programme, particularly for its efforts in the organization of regional courses and in the administration of the fellowship programme in international law jointly sponsored and conducted by the United Nations and the Institute;

9. Expresses its appreciation to the United Nations Educational, Scientific and Cultural Organization for its participation in the Programme, and in particular for the publication of International Law: Achievements and Prospects, which constitutes an important effort to support the teaching, study, dissemination and wider appreciation of international law, and notes that as reflected in the report of the Secretary-General, it may be expected that any request to translate and publish this work in Spanish or any other language would have a greater chance of being favourably examined were it to be made on a regional basis;

10. Also expresses its appreciation to the Government of Namibia for its willingness to co-sponsor the regional training and refresher course of the United Nations Institute for Training and Research for southern African countries, held at Windhoek from 12 to 22 February 1991;

2/ See Official Records of the General Assembly, Forty-fifth Session, Supplement No. 10 (A/45/10), chap. VIII, sect. E.

3/ Ibid., Forty-sixth Session, Supplement No. 10 (A/46/10), chap. VIII, sect. F.

11. Further expresses its appreciation to the Hague Academy of International Law for the valuable contributions it has made to the Programme by enabling international law fellows under the sponsorship of the United Nations and the United Nations Institute for Training and Research to attend its annual international law courses and by providing facilities for seminars organized under the fellowship programme in international law in conjunction with the Academy courses;

12. Notes with appreciation the contributions made by the Hague Academy of International Law to the teaching, study, dissemination and wider appreciation of international law, and calls upon Member States and interested organizations to give favourable consideration to the appeal of the Academy for a continuation of, and, if possible an increase in their financial contributions in order to enable the Academy to carry on with the above-mentioned activities, in particular the summer courses, regional courses and programmes of the Centre for Studies and Research in International Law and International Relations;

13. Urges all States, and relevant international organizations, whether regional or universal, to make all possible efforts to implement the goals and carry out the activities contemplated in section IV of the programme for the activities for the first term (1990-1992) of the United Nations Decade of International Law, dealing with the encouragement of the teaching, study, dissemination and wider appreciation of international law and contained in the annex to its resolution 45/40;

14. Requests the Secretary-General to continue to publicize the Programme and periodically to invite Member States, universities, philanthropic foundations and other interested national and international institutions and organizations, as well as individuals, to make voluntary contributions towards the financing of the Programme or otherwise to assist in its implementation and possible expansion;

15. Reiterates its request to Member States and to interested organizations and individuals to make voluntary contributions, inter alia, for the International Law Seminar, for the fellowship programme in international law sponsored jointly by the United Nations and the United Nations Institute for Training and Research and for the Hamilton Shirley Amerasinghe Memorial Fellowship on the Law of the Sea, and expresses its appreciation to those Member States, institutions and individuals which have made voluntary contributions for this purpose;

16. Urges in particular all Governments to make voluntary contributions with a view to covering the amount needed for the financing of the daily subsistence allowance for up to twenty-five participants in each regional course organized by the United Nations Institute for Training and Research, thus alleviating the burden on prospective host countries and making it possible for the Institute to continue to organize the regional courses;

17. Requests the Secretary-General to report to the General Assembly at its forty-eighth session on the implementation of the Programme during 1992 and 1993 and, following consultations with the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, to submit recommendations regarding the execution of the Programme in subsequent years;

18. Decides to appoint twenty-five Member States, six from Africa, five from Asia, three from Eastern Europe, five from Latin America and the Caribbean and six from Western Europe and other States, as members of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, for a period of four years beginning on 1 January 1992; 4/

19. Decides to include in the provisional agenda of its forty-eighth session the item entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law".

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4/ The States members of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law are the following: Bangladesh, Colombia, Cuba, Cyprus, Ethiopia, France, Germany, Ghana, India, Iran (Islamic Republic of), Italy, Kenya, Malaysia, Mexico, Netherlands, Nigeria, Romania, Sudan, Trinidad and Tobago, Ukraine, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America and Uruguay.

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A/RES/46/51
27 January 1992

Forty-sixth session
Agenda item 125

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Sixth Committee (A/46/654)]

46/51. Measures to eliminate international terrorism

The General Assembly,

Recalling its resolutions 3034 (XXVII) of 18 December 1972, 31/102 of 15 December 1976, 32/147 of 16 December 1977, 34/145 of 17 December 1979, 36/109 of 10 December 1981, 38/130 of 19 December 1983, 40/61 of 9 December 1985, 42/159 of 7 December 1987 and 44/29 of 4 December 1989,

Recalling also the recommendations of the Ad Hoc Committee on International Terrorism contained in its report to the General Assembly at its thirty-fourth session, 1/

Recalling further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, 2/ the Declaration on the Strengthening of International Security, 3/ the Definition of Aggression 4/ and relevant instruments on international humanitarian law applicable in armed conflict,

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1/ Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 37 (A/34/37), chap. IV.

2/ Resolution 2625 (XXV), annex.

3/ Resolution 2734 (XXV).

4/ Resolution 3314 (XXIX), annex.

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Recalling moreover the existing international conventions relating to various aspects of the problem of international terrorism, inter alia, the Convention on Offences and Certain Other Acts Committed on Board Aircraft, signed at Tokyo on 14 September 1963, 5/ the Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970, 6/ the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, concluded at Montreal on 23 September 1971, 7/ the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, adopted in New York on 14 December 1973, 8/ the International Convention against the Taking of Hostages, adopted in New York on 17 December 1979, 9/ the Convention on the Physical Protection of Nuclear Material, adopted at Vienna on 3 March 1980, the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 24 February 1988, 10/ the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, done at Rome on 10 March 1988, 11/ the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, done at Rome on 10 March 1988 12/ and the Convention on the Marking of Plastic Explosives for the Purpose of Detection, done at Montreal on 1 March 1991, 13/

Convinced that a policy of firmness and effective measures should be taken in accordance with international law in order that all acts, methods and practices of international terrorism may be brought to an end,

Bearing in mind Security Council resolution 638 (1989) of 31 July 1989 on the taking of hostages,

Deeply disturbed by the world-wide persistence of acts of international terrorism in all its forms, including those in which States are directly or indirectly involved, which endanger or take innocent lives, have a deleterious effect on international relations and may jeopardize the territorial integrity and security of States,

Calling attention to the growing connection between terrorist groups and drug traffickers,

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5/ United Nations, Treaty Series, vol. 704, No. 10106.

6/ Ibid., vol. 860, No. 12325.

7/ Ibid., vol. 974, No. 14118.

8/ Ibid., vol. 1035, No. 15410.

9/ Resolution 34/146, annex.

10/ International Civil Aviation Organization, document DOC 9518.

11/ International Maritime Organization, document SUA/CONF/15/Rev.1.

12/ International Maritime Organization, document SUA/CONF/16/Rev.2.

13/ See S/22393 and Corr.1.

Convinced of the importance of the observance by States of their obligations under the relevant international conventions to ensure that appropriate law enforcement measures are taken in connection with the offences addressed in those conventions,

Convinced also of the importance of expanding and improving international cooperation among States, on a bilateral, regional and multilateral basis, which will contribute to the elimination of acts of international terrorism and their underlying causes and to the prevention and elimination of this criminal scourge,

Convinced further that international cooperation in combating and preventing terrorism will contribute to the strengthening of confidence among States, reduce tensions and create a better climate among them,

Mindful of the need to enhance the role of the United Nations and the relevant specialized agencies in combating international terrorism,

Mindful also of the necessity of maintaining and protecting the basic rights of, and guarantees for, the individual in accordance with the relevant international human rights instruments and generally accepted international standards,

Reaffirming the principle of self-determination of peoples as enshrined in the Charter of the United Nations,

Reaffirming also the inalienable right to self-determination and independence of all peoples under colonial and racist regimes and other forms of alien domination and foreign occupation, and upholding the legitimacy of their struggle, in particular the struggle of national liberation movements, in accordance with the purposes and principles of the Charter and the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,

Noting the efforts and important achievements of the International Civil Aviation Organization and the International Maritime Organization in promoting the security of international air and sea transport against acts of terrorism,

Recognizing that the effectiveness of the struggle against terrorism could be enhanced by the establishment of a generally agreed definition of international terrorism,

Taking note of the report of the Secretary-General, 14/

1. Once again unequivocally condemns, as criminal and unjustifiable, all acts, methods and practices of terrorism wherever and by whomever committed, including those which jeopardize the friendly relations among States and their security;

2. Deeply deplores the loss of human lives which results from such acts of terrorism, as well as the pernicious impact of these acts on relations of cooperation among States;

14/ A/46/346 and Add.1 and 2.

3. Calls upon all States to fulfil their obligations under international law to refrain from organizing, instigating, assisting or participating in terrorist acts in other States, or acquiescing in or encouraging activities within their territory directed towards the commission of such acts;

4. Urges all States to fulfil their obligations under international law and take effective and resolute measures for the speedy and final elimination of international terrorism and to that end, in particular:

(a) To prevent the preparation and organization in their respective territories, for commission within or outside their territories, of terrorist and subversive acts directed against other States and their citizens;

(b) To ensure the apprehension and prosecution or extradition of perpetrators of terrorist acts;

(c) To endeavour to conclude special agreements to that effect on a bilateral, regional and multilateral basis;

(d) To cooperate with one another in exchanging relevant information concerning the prevention and combating of terrorism;

(e) To take promptly all steps necessary to implement the existing international conventions on this subject to which they are parties, including the harmonization of their domestic legislation with those conventions;

5. Appeals to all States that have not yet done so to consider becoming party to the international conventions relating to various aspects of international terrorism referred to in the preamble to the present resolution;

6. Urges all States, unilaterally and in cooperation with other States, as well as relevant United Nations organs, to contribute to the progressive elimination of the causes underlying international terrorism and to pay special attention to all situations, including colonialism, racism and situations involving mass and flagrant violations of human rights and fundamental freedoms and those involving alien domination and foreign occupation, that may give rise to international terrorism and may endanger international peace and security;

7. Firmly calls for the immediate and safe release of all hostages and abducted persons, wherever and by whomever they are being held;

8. Calls upon all States to use their political influence in accordance with the Charter of the United Nations and the principles of international law to secure the safe release of all hostages and abducted persons and to prevent the commission of acts of hostage-taking and abduction;

9. Expresses concern at the growing and dangerous links between terrorist groups, drug traffickers and their paramilitary gangs, which have resorted to all types of violence, thus endangering the constitutional order of States and violating basic human rights;

10. Welcomes the efforts undertaken by the International Civil Aviation Organization aimed at promoting universal acceptance of, and strict compliance with, international air security conventions, and welcomes also the recent

adoption of the Convention on the Marking of Plastic Explosives for the Purpose of Detec on; 13/

11. Requests the other relevant specialized agencies and intergovernmental organizations, in particular the International Maritime Organization, the Universal Postal Union, the World Tourism Organization, the International Atomic Energy Agency and the United Nations Educational, Scientific and Cultural Organization, within their respective spheres of competence, to consider what further measures can usefully be taken to combat and eliminate terrorism;

12. Requests the Secretary-General to continue seeking the views of Member States on international terrorism in all its aspects and on ways and means of combating it, including the convening at an appropriate time, under the auspices of the United Nations, of an international conference to deal with international terrorism in the light of the proposal referred to in the penultimate preambular paragraph of resolution 44/29;

13. Also requests the Secretary-General to seek the views of Member States on the proposals contained in his report or made during the debate on this item in the Sixth Committee, 15/ and on the ways and means of enhancing the role of the United Nations and the relevant specialized agencies in combating international terrorism;

14. Further requests the Secretary-General to follow up, as appropriate, the implementation of the present resolution and to submit a report in this respect to the General Assembly at its forty-eighth session;

15. Considers that nothing in the present resolution could in any way prejudice the right to self-determination, freedom and independence, as derived from the Charter of the United Nations, of peoples forcibly deprived of that right referred to in the Declaration of Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, particularly peoples under colonial and racist regimes or other forms of alien domination, or the right of these peoples to struggle legitimately to this end and to seek and receive support in accordance with the principles of the Charter, the above-mentioned Declaration and the relevant General Assembly resolutions, including the present resolution;

16. Decides to include in the provisional agenda of its forty-eighth session an item entitled "Measures to eliminate international terrorism".

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15/ See A/C.6/46/SR.12-17, 23 and 26.

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A/RES/46/52
27 January 1992

Forty-sixth session
Agenda item 126

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Sixth Committee (A/46/685)]

46/52. Progressive development of the principles and norms of international law relating to the new international economic order

The General Assembly,

Bearing in mind that, in accordance with the Charter of the United Nations, the Assembly is called upon to initiate studies and make recommendations for the purpose of encouraging the progressive development of international law and its codification,

Recalling its resolutions 3201 (S-VI) and 3202 (S-VI) of 1 May 1974, containing the Declaration and the Programme of Action on the Establishment of a New International Economic Order, 3281 (XXIX) of 12 December 1974, containing the Charter of Economic Rights and Duties of States, 3362 (S-VII) of 16 September 1975 on development and international economic cooperation and 35/56 of 5 December 1980, the annex to which contains the International Development Strategy for the Third United Nations Development Decade,

Recalling also its resolutions 34/150 of 17 December 1979 and 35/166 of 15 December 1980, entitled "Consolidation and progressive development of the principles and norms of international economic law relating in particular to the legal aspects of the new international economic order", and its resolutions 36/107 of 10 December 1981, 37/103 of 16 December 1982, 38/128 of 19 December 1983, 39/75 of 13 December 1984, 40/67 of 11 December 1985, 41/73 of 3 December 1986, 42/149 of 7 December 1987, 43/162 of 9 December 1988 and 44/30 of 4 December 1989, entitled "Progressive development of the principles and norms of international law relating to the new international economic order",

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92-04186

Bearing in mind the urgent need to adopt measures to reactivate the process of international economic cooperation and the negotiations undertaken for that purpose particularly in view of the economic difficulties encountered by the developing countries,

Considering the close link that exists between the establishment of a just and equitable international economic order and the existence of an appropriate legal framework,

Bearing in mind that the analytical study 1/ submitted to the General Assembly at its thirty-ninth session by the United Nations Institute for Training and Research can constitute a valuable source of information, in common with the relevant resolutions adopted on this question by various United Nations organs,

1. Considers that the impact on developing countries of the current international economic situation should be examined;

2. Notes with appreciation the views and comments submitted by Governments pursuant to resolutions 40/67, 41/73, 42/149, 43/162 and 44/30; 2/

3. Decides to establish a working group of the Sixth Committee to develop the principles and norms of international law relating to the new international economic order;

4. Calls upon the Secretary-General to request Member States and competent international organizations to formulate their comments, in particular on the principles which they think might be given priority attention by the working group, and to include their comments in a report to be submitted to the General Assembly at its forty-eighth session;

5. Decides to include in the provisional agenda of its forty-eighth session the item entitled "Progressive development of the principles and norms of international law relating to the new international economic order".

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1/ A/39/504/Add.1, annex III.

2/ A/41/536, A/42/483 and Add.1 and 2, A/43/529 and Add.1, A/44/455 and Add.1, and A/46/352 and Add.1.

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RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Sixth Committee (A/46/686)]

46/53. United Nations Decade of International Law

The General Assembly,

Recalling its resolution 44/23 of 17 November 1989 by which it declared the period 1990-1999 the United Nations Decade of International Law,

Recalling also that the main purposes of the Decade, according to resolution 44/23, should be, inter alia:

(a) To promote acceptance of and respect for the principles of international law;

(b) To promote means and methods for the peaceful settlement of disputes between States, including resort to and full respect for the International Court of Justice;

(c) To encourage the progressive development of international law and its codification;

(d) To encourage the teaching, study, dissemination and wider appreciation of international law,

Recalling further its resolution 45/40 of 28 November 1990, to which was annexed the programme for the activities to be commenced during the first term (1990-1992) of the United Nations Decade of International Law,

Expressing its appreciation for the Secretary-General's report on the United Nations Decade of International Law, 1/ submitted pursuant to resolution 45/40,

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1/ A/46/372.

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Recalling that the Sixth Committee established at the forty-fifth session the Working Group on the United Nations Decade of International Law with a view to preparing generally acceptable recommendations on the programme of activities for the Decade,

Noting that the Sixth Committee reconvened the Working Group at the forty-sixth session to continue its work in accordance with resolution 45/40,

1. Expresses its appreciation to the Sixth Committee and its Working Group on the United Nations Decade of International Law for their work at the current session and requests the Working Group to continue to work at the forty-seventh session in accordance with its mandate and methods of work;

2. Also expresses its appreciation to States and international organizations and institutions that have undertaken activities in implementation of the programme for the first term (1990-1992) of the Decade, including sponsoring conferences on various subjects of international law;

3. Invites all States and international organizations and institutions referred to in the programme to provide, update or supplement information on activities they have undertaken in implementation of the programme, as appropriate, to the Secretary-General, as well as to submit their views on possible activities for the next term of the Decade;

4. Requests the Secretary-General to submit, on the basis of such information, a report to the General Assembly at its forty-seventh session on the implementation of the programme, together with views on possible activities for the next term of the Decade;

5. Also requests the Secretary-General to supplement his report, as appropriate, with new information on the activities of the United Nations relevant to the progressive development of international law and its codification and to submit it to the General Assembly on an annual basis;

6. Encourages States to disseminate, as appropriate, information contained in the report of the Secretary-General at the national level;

7. Appeals to States, international organizations and non-governmental organizations working in this field and to the private sector to make financial contributions or contributions in kind for the purpose of facilitating the implementation of the programme;

8. Once again requests the Secretary-General to bring to the attention of States and international organizations and institutions working in the field of international law the programme annexed to resolution 45/40;

9. Decides to include in the provisional agenda of its forty-seventh session the item entitled "United Nations Decade of International Law".

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A/RES/46/54
27 January 1992

Forty-sixth session
Agenda item 128

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[on the report of the Sixth Committee (A/46/687)]

46/54. Report of the International Law Commission on the work of its forty-third session

The General Assembly,

Having considered the report of the International Law Commission on the work of its forty-third session, 1/

Emphasizing the need for the progressive development of international law and its codification in order to make it a more effective means of implementing the purposes and principles set forth in the Charter of the United Nations and in the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations 2/ and to give increased importance to its role in relations among States,

Recognizing the importance of referring legal and drafting questions to the Sixth Committee, including topics that might be submitted to the International Law Commission, and of enabling the Sixth Committee and the Commision further to enhance their contribution to the progressive development of international law and its codification,

Recalling the need to keep under review those topics of international law which, given their new or renewed interest for the international community, may be suitable for the progressive development and codification of international law and therefore may be included in the future programme of work of the International Law Commission,

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1/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 10 (A/46/10).

2/ Resolution 2625 (XXV), annex.

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92-04180

Recognizing the role of the International Law Commission in the fulfilment of the objectives of the United Nations Decade of International Law,

Taking note with appreciation of the section of the report of the International Law Commission concerning the question of the possible establishment of an international criminal jurisdiction 3/ and noting the debate in the Sixth Committee pertaining to this topic, 4/

Considering that experience has demonstrated the usefulness of structuring the debate on the report of the International Law Commission in the Sixth Committee in such a manner that conditions are provided for concentrated attention on each of the main topics dealt with in the report, and that this process is facilitated when the Commission indicates specific issues on which expressions of views by Governments are of particular interest for the continuation of its work,

1. Takes note of the report of the International Law Commission on the work of its forty-third session; 1/

2. Expresses its appreciation to the International Law Commission for the work accomplished at that session, in particular for the completion of the final draft articles on jurisdictional immunities of States and their property and the provisional draft articles on the law of the non-navigational uses of international watercourses and on the draft Code of Crimes against the Peace and Security of Mankind;

3. Invites the International Law Commission, within the framework of the draft Code of Crimes against the Peace and Security of Mankind, to consider further and analyse the issues raised in its report on the work of its forty-second session 5/ concerning the question of an international criminal jurisdiction, including proposals for the establishment of an international criminal court or other international criminal trial mechanism in order to enable the General Assembly to provide guidance on the matter;

4. Recommends that, taking into account the comments of Governments, whether in writing or expressed orally in debates in the General Assembly, the International Law Commission should continue its work on the topics in its current programme;

5. Expresses its appreciation for the efforts of the International Law Commission to improve its procedures and methods of work;

6. Requests the International Law Commission:

(a) To consider thoroughly:

3/ Official Records of the General Assembly, Forty-sixth Session, Supplement No. 10 (A/46/10), chap. IV, sect. B.

4/ See A/C.6/46/SR.22-37, 43 and 44.

5/ Official Records of the General Assembly, Forty-fifth Session, Supplement No. 10 (A/45/10), chap. II, Sect. C.

(i) The planning of its activities and programme for the term of office of its members, bearing in mind the desirability of achieving as much progress as possible in the preparation of draft articles on specific topics;

(ii) Its methods of work in all their aspects, including the possibility of dividing its annual session into two parts, bearing in mind that the staggering of the consideration of some topics might contribute, inter alia, to a more effective consideration of its report in the Sixth Committee;

(b) To continue to pay special attention to indicating in its annual report, for each topic, those specific issues on which expressions of views by Governments, either in the Sixth Committee or in written form, would be of particular interest for the continuation of its work;

7. Takes note of the comments of the Commission on the question of the duration of its session, as presented in paragraph 338 of its report, 1/ and expresses the view that the requirements of the work for the progressive development of international law and its codification and the magnitude and complexity of the subjects on the agenda of the Commission make it desirable that the usual duration of its sessions be maintained;

8. Reaffirms its previous decisions concerning the role of the Codification Division of the Office of Legal Affairs of the Secretariat and those concerning the summary records and other documentation of the International Law Commission;

9. Draws the attention of Governments to the importance, for the International Law Commission, of having their views on the draft articles on the law of the non-navigational uses of international watercourses and on the draft Code of Crimes against the Peace and Security of Mankind, adopted on first reading by the Commission, and urges them to present in writing their comments and observations by 1 January 1993, as requested by the Commission;

10. Once again expresses the wish that seminars will continue to be held in conjunction with the sessions of the International Law Commission and that an increasing number of participants from developing countries will be given the opportunity to attend those seminars, appeals to States that can do so to make the voluntary contributions that are urgently needed for the holding of the seminars, and expresses the hope that every effort will continue to be made by the Secretary-General, within existing resources, to provide the seminars with adequate services, including interpretation, as required;

11. Requests the Secretary-General to forward to the International Law Commission, for its attention, the records of the debate on the report of the Commission at the forty-sixth session of the General Assembly, together with such written statements as delegations may circulate in conjunction with their oral statements, and to prepare and distribute a topical summary of the debate;

12. Recommends the continuation of efforts to improve the ways in which the report of the International Law Commission is considered in the Sixth Committee, with a view to providing effective guidance for the Commission in its work;

13. Also recommends that the debate on the report of the International Law Commission at the forty-seventh session of the General Assembly commence on 26 October 1992.

67th plenary meeting
9 December 1991